

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION**

**ROBERT R. BELL, JR., et al.,**

Plaintiff,

vs.

**US XPRESS, INC.**

Defendant.

CASE NO. 1:11-CV-00181

DISTRICT JUDGE CURTIS COLLIER

MAGISTRATE JUDGE WILLIAM B.  
MITCHELL CARTER

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**JOINT MOTION TO MODIFY THE SCHEDULING  
ORDER FOR CLASS CERTIFICATION**

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Plaintiff and Defendant (collectively the “Parties”) hereby jointly move the Court to modify the Scheduling Order for Class Certification Motion dated October 19, 2011 (Doc. 21) in regard to the above-captioned case. The parties seek an extension of the deadlines to accommodate the pending ruling upon Defendant’s Motion to Dismiss, which is a triggering event for the parties to exchange initial disclosures pursuant to Rule 26(a)(1). (Doc. 21, p. 1) As the Rule 26(a)(1) Disclosure are not yet due, the Parties respectfully request this Court adopt the proposed scheduling order detailed below which flows from the current Rule 26(a)(1) Disclosure deadline computation.

The Parties request that the deadlines be extended as follows:

1. All discovery, including the taking of depositions for evidence and requests for admissions, shall be completed within 9 months after the Rule 26(a)(1) disclosure due date;
2. Expert Witnesses related to Class Certification:

i. Plaintiff shall disclose expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) within 7 months after the Rule 26(a)(1) disclosure due date;

ii. Defendant shall disclose expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) within 1 month after Plaintiff's disclosure of expert witnesses.

3. The parties shall make pretrial disclosures on motion to certify within 1 month of the discovery cut-off. Responses are due within 1 month of the filing of the pretrial disclosures. Replies shall be due within 2 weeks of the filing of the Responses.

Respectfully submitted,

STUMPHAUZER, O'TOOLE, McLAUGHLIN,  
McGLAMERY & LOUGHMAN CO., LPA

MILLER & MARTIN, PLLC

By: /s/ Matthew A. Dooley

Matthew A. Dooley

Dennis M. O'Toole

Anthony R. Pecora

5455 Detroit Road

Sheffield Village, Ohio 44054

Telephone: (440) 930-4001

Facsimile: (440) 934-7208

Email: mdooley@sheffieldlaw.com

apecora@sheffieldlaw.com

dotoole@sheffieldlaw.com

*Counsel for Plaintiffs*

By: /s/ Alison B. Martin

Roger W. Dickson

Alison B. Martin

Bradford G. Harvey

Suite 1000 Volunteer Bldg.

832 Georgia Avenue

Chattanooga, TN 37402

Telephone: (423) 785-8210

Facsimile: (423) 321-1528

Email: rdickson@millermartin.com

amartin@millermartin.com

bharvey@millermartin.com

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

This will certify that a copy of the foregoing Joint Motion to Modify the Scheduling Order for Class Certification Motion was filed electronically this 5<sup>th</sup> day of June, 2012. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system or via electronic mail.

/s/ Matthew A. Dooley  
Matthew A. Dooley  
*Counsel for Plaintiffs*